

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL SURYAN,

Defendant.

NO. CR13-0037RAJ

PROTECTIVE ORDER

This matter comes before the Court on the United States' Motion for a Protective Order regarding discovery materials, as permitted by Fed. R. Crim. P. 16(d). Having considered the record and files herein, the Court finds there is good cause to grant the motion, and hence:

IT IS HEREBY ORDERED that the voice recordings, surveillance pictures, video surveillance, and any other photographs or videos related to the undercover buy conducted with Defendant in the HSI/SPD case; the sealed wiretap materials (i.e., applications, affidavits, orders, and progress reports) in the DEA case; and the voice recordings, surveillance pictures, video surveillance, depicting or detailing controlled buys with, and any other photographs or videos that might reveal the identity of, the confidential source(s) used in the DEA case (the "Protected Material") shall be marked specially as "Produced Subject to a Protective Order," when produced to Defendant's counsel in this case.

1 IT IS FURTHER ORDERED that possession of Protected Material is limited to  
2 the attorney of record in this case, and to any investigators, expert witnesses, and other  
3 agents the attorney of record hires in connection with this case (collectively referred to as  
4 “the defense team”). The defense team may review Protected Material with Defendant,  
5 and Defendant may inspect and review Protected Material with the defense team, but  
6 shall not be allowed otherwise to possess, photograph, or record Protected Material.

7 IT IS FURTHER ORDERED that defense counsel shall not provide Protected  
8 Material to any other person outside his/her law office, including Defendant. A copy of  
9 the Protected Material shall not be sent to Defendant at the Federal Detention Center, in  
10 either electronic form or hard copy.

11 IT IS HEREBY FURTHER ORDERED that Defendant, defense counsel, and  
12 others to whom disclosure of the content of the Protected Material may be necessary to  
13 assist with the preparation of the defense, shall not disclose the Protected Material or its  
14 contents, other than as necessary for the preparation of defenses at trial and in subsequent  
15 appellate proceedings, if necessary.

16 IT IS FURTHER ORDERED that if defense counsel finds it necessary to file any  
17 documents marked as “Produced Subject to a Protective Order,” the material shall be  
18 filed under seal with the Court.

19 Nothing in this Protective Order prohibits defense counsel from showing the  
20 Protected Material, or reviewing its contents, with Defendant or with others to whom  
21 disclosure may be necessary to assist with the preparation of the defense at trial and in  
22 subsequent appellate proceedings, if necessary.

23 Nothing in this Protective Order prohibits defense counsel from disputing the  
24 designation of material as Protected Material and, if agreement cannot be reached  
25 between the parties, to seeking a determination by this Court.

26 ///

27 ///

28 ///

1 At the conclusion of the case, including any appellate proceedings, the Protective  
2 Material shall be returned to the United States, or destroyed, or otherwise stored in a  
3 manner to ensure that it is not subsequently duplicated or disseminated in violation of this  
4 Protective Order.

5 DATED this 19th day of March, 2019.

6   
7

8 The Honorable Richard A. Jones  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28